

FREDERICK COUNTY PLANNING COMMISSION
Wednesday, February 22, 2006
Minutes

Commission Members Present: Alan Duke, Chairman
 Fern Hines
 Michael Cady, BOCC Liaison
 Joseph Brown III
 Joan McIntyre

Commission Members Absent: Robert White, Vice Chairman
 J. Denham Crum

Planning Staff Present: Steve Kaii-Ziegler, Director of Planning
 Eric Soter, Assistant Director
 John Dimitriou, Planner I
 Caryl Wenger, Recording Secretary

The Evening Session began at 7:04 p.m.

COMMENTS

Ms. McIntyre wished the "Miss Frederick" contestants "good luck" in the upcoming pageant being held at Frederick Community College on Saturday, February 25, 2006.

ZONING MAP AMENDMENT - R-05-07 - PUBLIC HEARING

Toll Brothers, Inc. - Request to rezone 50.58 acres from A Agriculture to MXD Mixed Use Development. The land bay is located at the northwest corner of New Design Road and Elmer Derr Road in the Adamstown Planning Region, and is part of a 93.73-acre parcel known as the Younkens Farm. The rezoning request is for the northern portion of the site, adjacent to a proposed extension of English Muffin Way.

Mr. Dimitriou presented the Staff Report, and recommended conditional approval of the request.

Applicant

Attorney David Severn appeared on behalf of his clients, Toll Brothers, Inc., the contract-purchasers of the Younkens property. He acknowledged all of the parties involved. He stated that English Muffin Way was identified in the Adamstown Region Plan as an important arterial connection for that region. He informed the Planning Commission that his client does intend to construct this roadway, which will connect Route 85, by way of English Muffin Way, with New Design Road and Elmer Derr Road, and up to Ballenger Creek Pike. He stated that this is the last

PLEASE NOTE BOTH AUDIO AND VIDEO TAPES ARE AVAILABLE UPON REQUEST.

property in the southern portion of the Ballenger Creek growth area, and nothing more is planned there other than what already exists. This is the area, where “smart growth” has been planned to occur, and the application submitted, he said, meets the burden of proof on all legal requirements for the approval an MXD Phase I concept plan.

Public Comment

Approximately six persons spoke in opposition to the proposed Zoning Map Amendment.

Rebuttal

Mr. Severn spoke to the issue of “cut-through” traffic through Wellington Trace. He felt that the problem would be alleviated if the proposed roadway could be built. Regarding APFO, he stated that he and his client are fully aware that the APFO issue may be a major problem at Phase II of the process. Mr. Cady asked why the residential component was included. Mr. Severn replied that the MXD designation calls for “mixed use,” and that he and his colleagues feel it is an important part of the plan.

Decision

Mr. Brown commented that he was in favor of the “LI” zone designation, and that he would love to see jobs created in the area. He felt, however, that the integration of “MXD” overlaid on “LI” was a very difficult proposition, and, not wanting to see a loss of “LI” zoning, said that he would support the rezoning of the property on the south side without the residential component. In his opinion, it would be more compatible and a better use of the land. Ms. McIntyre concurred with Mr. Brown. The Planning Commission then voted to recommend approval of this request to the Board of County Commissioners, with all department conditions, but with denial of the residential component, making the zoning for the entire site Industrial and Commercial, with English Muffin Way acting as the buffer.

Motion: McIntyre/2nd Brown
Vote: 4 – 0 – 2 – 1
For: Brown, Duke, McIntyre, Hines
Against: None
Absent: White, Crum
Abstain: Cady

PLEASE NOTE BOTH AUDIO AND VIDEO TAPES ARE AVAILABLE UPON REQUEST.

ZONING MAP AMENDMENT - R-05-08 - PUBLIC HEARING

Toll Brothers, Inc. - Request to rezone 43.15 acres from A Agriculture to PUD Planned Unit Development. The land bay is located at the northwest corner of New Design Road and Elmer Derr Road in the Adamstown Planning Region, and is part of a 93.73-acre parcel known as the Younkens Farm. The rezoning request is for the southern portion of the site, adjacent to a proposed extension of English Muffin Way.

Mr. Dimitriou presented the Staff Report, and recommended conditional approval of the request.

Applicant

Attorney David Severn again appeared on behalf of his clients, Toll Brothers, Inc. He outlined the general legal requirements, explained the project, and turned the microphone over to Mr. Terre Rhoderick for additional comments. Mr. Rhoderick stated that they have divided the property into two land bays. In the land bay approaching Elmer Derr Road, they have tried to create a transition from the existing communities. Although permitted a density of five to eleven units per acre, they have elected to stay at 5.5 units per acre, in an attempt to “mirror” the existing products and lot sizes in Wellington Trace. This will allow the project to blend in over to the common connecting road between the Linton property and English Muffin Way. They are proposing townhouses in the second land bay, he said, but they have not decided where the MPDUs will be located.

Public Comment

Five members of the community spoke in opposition to additional residential development in the Ballenger Creek area because of the impact to schools and roads.

Decision

Ms. McIntyre made a motion to recommend approval of this request to the Board of County Commissioners, along with Staff’s four recommendations, with Number #1, being 237 dwelling units, i.e., 5.5 units per acre. Ms. Hines seconded the motion.

Motion: McIntyre/2nd Hines
Vote: 3 – 1 – 2 – 1
For: Duke, McIntyre, Hines
Against: Brown
Absent: White, Crum
Abstain: Cady

Mr. Brown attempted to amend Ms. McIntyre’s motion (reflecting the following), but it was not accepted. He then voted against this request because he felt it worthwhile that additional units be added to the north side due to the loss of units on the south side, (Decision on R-05-07) and

PLEASE NOTE BOTH AUDIO AND VIDEO TAPES ARE AVAILABLE UPON REQUEST.

because he felt it was important to get as much density as possible in areas immediately close to a school and within walking distance.

The meeting ended at approximately 9:35 p.m.

Respectfully submitted,

Caryl J. Wenger, Recording Secretary

Alan E. Duke, Chairman

PLEASE NOTE BOTH AUDIO AND VIDEO TAPES ARE AVAILABLE UPON REQUEST.